

**63M-7-510 Ineligible persons -- Fraudulent claims -- Penalties.**

- (1) The following individuals are not eligible to receive an award of reparations:
  - (a) persons who do not meet all of the provisions set forth in Section 63M-7-509;
  - (b) the offender;
  - (c) an accomplice of the offender;
  - (d) any person whose receipt of an award would unjustly benefit the offender, accomplice, or other person reasonably suspected of participating in the offense;
  - (e) the victim of a motor vehicle injury who was the owner or operator of the motor vehicle and was not at the time of the injury in compliance with the state motor vehicle insurance laws;
  - (f) any convicted offender serving a sentence of imprisonment in any prison or jail or residing in any other correctional facility;
  - (g) all persons who are on probation or parole if the circumstances surrounding the offense of which they are victims constitute a violation of their parole or probation; and
  - (h) any person whose injuries are the result of criminally injurious conduct that occurred in a prison, jail, or any other correctional facility while the person was incarcerated.
- (2) A person who knowingly submits a fraudulent claim for reparations or who knowingly misrepresents material facts in making a claim, and who receives an award based on that claim, is guilty of an offense, based on the following award amounts:
  - (a) for value under \$500, a class B misdemeanor;
  - (b) for value equal to or greater than \$500, but less than \$1,500, a class A misdemeanor;
  - (c) for value equal to or greater than \$1,500, but less than \$5,000, a third degree felony; and
  - (d) for value equal to or greater than \$5,000, a second degree felony.
- (3) A person who submits a claim described in Subsection (2) but receives no award based on that claim is guilty of a class B misdemeanor.
- (4) The state attorney general may prosecute violations under this section or may make arrangements with county attorneys for the prosecution of violations under this section when the attorney general cannot conveniently prosecute.
- (5) The state may also bring a civil action against a claimant who receives reparation payments that are later found to be unjustified and who does not return to the Crime Victim Reparations Fund the unjustified amount.

Amended by Chapter 118, 2013 General Session